IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 27802 of 2007(I)

PETITIONER:

SALIM,
S/O.ALI, AGED 28 YEARS,
KOOLERI THAZHAM, PERUVAYAL, KOZHIKODE.

BY ADV. SRI.R.SUDHISSH
SMT.M.MANJU

RESPONDENTS:

THE DISTRICT COLLECTOR,
KOZHIKODE.

BY ADV. SHRI.I.V.PRAMOD, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

WP(C) No. 27802 of 2007

Dated, this the 8th day of October, 2007

J U D G M E N T

Ext.P1 is an order passed by the respondent exercising his powers under Rule 27 of the Kerala Protection of River Banks & Regulation of Removal of Sand Rules. The order is a stereo typed one, where certain endorsements have been made and a fine of Rs. 25,000/- has been imposed on petitioner.

2. It is the contention of the petitioner that he was not given a notice or an opportunity of hearing before Ext.P1 order was passed. Though the learned Government Pleader, on instructions, submits that notice dated 24/02/2007 was issued to the petitioner, and that he did not appear before the District Collector and the respondent is not in a position to show that notice which was actually served on the petitioner. Hence it is obvious that the petitioner did not have an opportunity to prove his innocence before the 1st respondent.

3. In these circumstances, I quash Ext.P1 and dispose of the writ petition directing that the respondent shall complete the enquiry with notice to the petitioner and pass final orders in the matter. If the petitioner wants to produce any document, he will be given a chance for the same.

(ANTONY DOMINIC, JUDGE.)

jg